

REMARKS

Claims 2, 4-12, 14-31, 33, 35-60 and 81-107 are pending in the above-captioned patent application following this amendment. The Applicants have amended the specification to correct obvious typographical errors. Claims 1-10, 14-16, 18, 23, 24, 31-41, 44-46, 48, 52, 53, 59-68 and 70 were rejected. Claims 11-13, 17, 19-22, 25-30, 42, 43, 47, 49-51, 54-58, 69 and 71-80 have been withdrawn from consideration by the Patent Office. The Patent Office has reconsidered its Final Restriction Requirement, and has added previously withdrawn claims 8, 9, 37, 38, 67 and 68 to those claims that are considered to be generic to all species. The restriction requirement and subsequent withdrawal of claims from consideration is the subject of a Petition for Withdrawal of the Restriction Requirement which has been filed concurrently herewith. Claims 2, 5 and 31 were amended, claims 1, 3, 13, 32, 34 and 61-80 have been canceled without prejudice and new claims 81-107 have been added by this amendment for the purpose of expediting the patent application process in a manner consistent with the goals of the Patent Office pursuant to 65 Fed. Reg. 54603 (September 8, 2000), even though the Applicants believe that the previously pending claims were allowable. New claims 81-107 are believed to read on the elected species.

Support for the amendments to the claims and the new claims can be found throughout the originally filed application, including the originally filed claims, the drawings and the specification. More specifically, support for new claims 81-107 can be found at least in claims 1, 6, 10-12, 16, 18, 34, 35, 39-42, 46, 48 and 59-70, in Figures 2A-2F, 3A-3C, 4A-4B, 5A-5B, 6 and 7A-7B, and in the specification at page 8, line 15 through page 14, line 19, at page 16, line 15 through page 17, line 27, and at page 19, lines 3-15.

No new matter is believed to have been added by this amendment. Consideration of the Application is respectfully requested.

Restriction Requirement

The Applicants respectfully disagree with the conclusion of the Patent Office regarding the various embodiments described in the specification not being usable together. As provided in the specification, for example, "the second side surface 46 can be used for other purposes than storing data. For example, the second side surface 46

can be used for increasing rigidity, controlling airflow, damping vibration, decreasing imbalance, and/or filtering impurities. With these designs, the storage disk 18 is asymmetrical.” (Page 7, lines 21-26; emphasis added). It is not required that each and every possible embodiment of the invention be illustrated in the figures, nor is it a requirement that the specification identify all possible combinations of the features of the invention. If the intent was that only the embodiments specifically illustrated comprise the entire invention, the above-quoted language in the specification would not have stated “and/or”, but would simply have indicated “or”. Thus, to say that these hybrid embodiments are “absolutely undisclosed” is inaccurate.

Whether the quoted conjunctive language is stated once or a plurality of times throughout the specification is also of no import, as long as it is stated. Therefore, the Applicants vehemently disagree with the position of the Patent Office that the features illustrated in the figures cannot be usable together in a single embodiment.

Rejections Under 35 U.S.C. § 102

Claims 31, 32, 34-40, 44-46, 48, 52 and 59 are rejected under 35 U.S.C. § 102(b) as being anticipated by IBM Technical Disclosure Bulletin “Flexible Magnetic Disk Stabilizer,” November 1977, Vol. No. 20, Issue No. 6, pages 2378-2379, Cross Reference 0018-8689-20-6-2378 (“IBM TDB ‘2378”). Claims 32 and 34 have been canceled without prejudice by this amendment. Therefore the rejection of claims 32 and 34 is believed to be moot. Further, claim 31 has been amended, and as provided below, a rejection under 35 U.S.C. § 102(b) of amended claim 31 would not be supported by IBM TDB ‘2378.

IBM TDB ‘2378 is directed toward a base plate 1 and a separate flexible disk 4 that is removably positioned on the base plate 1. The flexible disk 4 and the base plate 1 are not formed as a unitary structure. The base plate 1 is secured to a fan plate 5, and is made from porous material having air channels used to hold the flexible disk 4 down on a top surface 2 of the base plate 1 during rotation of the base plate 1 and the fan plate 5. Rotation of the fan plate 5 causes air to move outwardly from the gap between the base plate 1 and the fan plate 5 to create a vacuum that holds the flexible disk 4 down. (See the Figures). Therefore, rotation of the base plate 1 and fan plate 5

cooperate to hold the flexible disk to the base plate 1 during rotation, e.g. operation of the drive. Moreover, without the gap between the base plate 1 and the fan plate 5, no air flow would occur to generate the vacuum to hold the flexible disk 4 down.

In contrast to IBM TDB '2378, amended claim 31 is directed toward a storage disk for a disk drive that requires "a body region; a first side region secured to the body region; and a substantially opposed second side region secured to the body region; wherein only one of the side regions includes a data storage layer, and wherein the body region and the side regions are formed as a unitary structure, and the side regions are asymmetrical relative to the body region." These features are not taught or suggested by IBM TDB '2378. Therefore, IBM TDB '2378 does not support a rejection of amended claim 31. Further, because claims 35-40, 44-46, 48, 52 and 59 depend directly or indirectly from claim 31, IBM TDB '2378 likewise does not support a rejection of these claims.

Rejections Under 35 U.S.C. § 103

Claims 1-10, 14-16, 18, 23, 24, 33, 41, 53, 60-68 and 70 are rejected under 35 U.S.C. § 103 as being unpatentable over IBM TDB '2378. Claims 1, 3, 61-68 and 70 have been canceled without prejudice by this amendment. Thus, the rejection of these claims is believed to be moot.

Further, currently pending claims 2, 4-10, 14-16, 18, 23 and 24 directly or indirectly depend from new independent claim 81. As set forth below, the Applicants submit that the features of claim 81 are not taught or suggested by the cited reference. Thus, claim 81 is believed to be allowable. Therefore, dependent claims 2, 4-10, 14-16, 18, 23 and 24 are likewise believed to be allowable.

Moreover, claims 33, 41, 53 and 60 depend directly or indirectly from amended independent claim 31. As provided above, the features of amended claim 31 are not taught or suggested by IBM TDB '2378. Therefore, the features of claims 33, 41 and 53 are also not taught or suggested by IBM TDB '2378, and should be allowed.

New Claims

New claims 81-107 have been added by this amendment. New claims 81-107

are of a slightly different scope than the previously pending claims. However, in view of the description of IBM TDB '2378 provided previously herein, new claims 81-107 are believed to be allowable. Additionally, new claims 81-107 are believed to be readable on the elected species (Group II, Species VI).

New claim 81 is directed toward a disk drive that requires "a drive housing; and an asymmetrical storage disk that is rotatably coupled to the drive housing, the storage disk having a body region and only one data storage layer that is fixedly coupled to the body region during non-rotation of the storage disk." These features are not taught or suggested by IBM TDB '2378. Therefore, claim 81 should be allowed. Because claims 82-89 depend directly or indirectly from claim 81, they should also be allowed.

As provided above, new claims 90-97 depend directly or indirectly from amended claim 31, which has features that are not taught or suggested by IBM TDB '2378. Therefore, claims 90-97 likewise have features that are not taught or suggested by IBM TDB '2378.

New claim 98 is directed toward a method for making a disk drive that requires the steps of "providing a drive housing; and rotatably coupling the storage disk to the drive housing, the storage disk having a first side region and a second side region that are fixedly coupled to a body region so that the side regions are not spaced apart from the body region and only one of the side regions includes a data storage layer." These steps are not taught or suggested by IBM TDB '2378. Thus, claim 98 should be allowed. Because claims 99-105 depend directly or indirectly from claim 98, they should also be allowed.

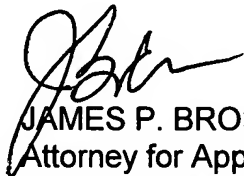
New claim 106 requires "a drive housing; and an asymmetrical storage disk that is rotatably coupled to the drive housing, the storage disk having a body region, a first side region and a second side region, wherein only one of the side regions includes an arc-shaped stiffener that cantilevers in a direction away from the body region, the stiffener extending from near an inner diameter to near an outer diameter of the storage disk." These features are not taught or suggested by IBM TDB '2378. Thus claim 106 should be allowed. Because claim 107 depends from claim 106, claim 107 should also be allowed.

Conclusion

In conclusion, Applicants respectfully assert that claims 2, 4-12, 14-31, 33, 35-60 and 81-107 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. In addition, allowance of any generic claims results in examination of any previously withdrawn claims which depend directly or indirectly from such generic claim(s). The Examiner is requested to call the undersigned at 858-487-4077 for any reason that would advance the instant application to issue.

Dated this 22nd day of September, 2005.

Respectfully submitted,



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